

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSE MONTANEZ,  
Plaintiff,

v.

MS. TRITT, *et al.*,  
Defendants.

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Civil No. 3:14-cv-1362  
  
(Judge Mariani)

**ORDER**

**AND NOW**, this 21<sup>ST</sup> day of September, 2015, upon consideration of Defendants' motion (Doc. 25) to dismiss, and for the reasons set forth in the Court's Memorandum of the same date, **IT IS HEREBY ORDERED THAT:**

1. Defendants' motion (Doc. 25) to dismiss is **GRANTED** in part and **DENIED** in part as follows:
  - a. Plaintiff's claims against Superintendent Brenda Tritt are **DISMISSED** with prejudice. The Clerk of Court is **DIRECTED** to terminate Superintendent Brenda Tritt as a party to this action.
  - b. The motion to dismiss the claims against Lieutenant Joseph Hannon and Sergeant Reed is **DENIED**.
  - c. Plaintiff's claims against the Defendants in their official capacities are **DISMISSED**.
2. Defendants Hannon and Reed are directed to file a responsive pleading within twenty-one (21) days of the date of this Order.



Robert D. Mariani  
United States District Judge